

AMENDMENTS TO LB 165

(Amendments to E & R amendments, AM7080)

1 1. Insert the following new sections:

2 "Sec. 12. The Legislature finds and declares that public
3 power provides special and unique benefits to the citizens of the
4 State of Nebraska. These benefits include low utility rates and
5 public input and accountability in the governance of the state's
6 public power entities. The Legislature has consistently endorsed
7 the importance of public power to the state, including the
8 conclusions by the LR 455 Task Force in 1999 that the electric
9 utility industry in Nebraska should not be deregulated and that
10 markets should not be opened to private retail competition. For
11 these reasons, the Legislature finds that any decision to contract
12 for the operation of a public power district facility by a private
13 entity should be made only in extraordinary circumstances.

14 Sec. 14. (1) If a public power district or public power
15 and irrigation district desires to contract with a private entity
16 for the operation of a nuclear power plant, such decision shall be
17 made after public notice and hearing and shall require: (a) A
18 two-thirds majority vote of the elected members of the board of the
19 district; and (b) findings of fact that there are extraordinary
20 circumstances which require such action. Extraordinary
21 circumstances include, but are not limited to (a) no public power
22 entity is willing and able to assume operation of the facility, (b)
23 regulatory compliance issues and concerns, or (c) health and

AM1151
LB 165
MHF-04-03

AM1151
LB 165
MHF-04-03

1 safety.

2 (2) The notice shall be in addition to the notice usually
3 provided for board meetings and shall be published in a newspaper
4 having general circulation in the state and, as appropriate, in
5 other newspapers and publications. The notice shall include, at a
6 minimum, a brief description of the extraordinary circumstances as
7 well as the sites where documents regarding this hearing may be
8 reviewed by the public. At least one of such sites shall be on the
9 web site of the district providing the notice."

10 2. Amend the operative date section so that the sections
11 added by this amendment become operative on their effective date.

12 3. Renumber the remaining sections accordingly.